

Senate Amendment 5154

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1 1 Amend House File 2362, as passed by the House, as
1 2 follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <DIVISION I
1 6 MERCURY=FREE VEHICLE ACT
1 7 Section 1. LEGISLATIVE FINDINGS AND PURPOSES.
1 8 1. The general assembly finds all of the
1 9 following:
1 10 a. That switches containing mercury have been used
1 11 for convenience lighting in vehicles sold in Iowa.
1 12 b. That mercury from vehicle light switches may be
1 13 released into the environment when end-of-life
1 14 vehicles are flattened, crushed, shredded, melted, or
1 15 otherwise processed for recycling.
1 16 c. That removing mercury-added switches from end-
1 17 of-life vehicles is an effective method to prevent
1 18 mercury from being released into the environment.
1 19 d. That it is in the public interest of the
1 20 residents of this state to reduce the quantity of
1 21 mercury entering the environment by removing mercury=
1 22 added switches from end-of-life vehicles.
1 23 2. The general assembly declares that the purpose
1 24 of this Act is to reduce the quantity of mercury in
1 25 the environment by doing all of the following:
1 26 a. Removing mercury-added switches from end-of=
1 27 life vehicles in Iowa.
1 28 b. Creating a collection, recovery, and incentive
1 29 program for mercury-added switches removed from
1 30 vehicles in Iowa.
1 31 Sec. 2. NEW SECTION. 455B.801 SHORT TITLE.
1 32 This division shall be known and may be cited as
1 33 the "Mercury-Free Recycling Act".
1 34 Sec. 3. NEW SECTION. 455B.802 DEFINITIONS.
1 35 As used in this division, unless the context
1 36 otherwise requires:
1 37 1. "Capture rate" means the amount of mercury
1 38 removed, collected, and recovered from end-of-life
1 39 vehicles, expressed as a percentage of the mercury
1 40 available from mercury-added switches in end-of-life
1 41 vehicles annually.
1 42 2. "End-of-life vehicle" means any vehicle which
1 43 is sold, given, or otherwise conveyed to a vehicle
1 44 recycler or scrap recycling facility for the purpose
1 45 of recycling and that does not exceed ten thousand
1 46 pounds gross vehicle weight.
1 47 3. "Manufacturer" means any person that is the
1 48 last person to produce or assemble a new vehicle that
1 49 utilizes mercury-added switches, or in the case of an
1 50 imported vehicle, the importer or domestic distributor
2 1 of such vehicle. "Manufacturer" does not include a
2 2 person that has never utilized a mercury-added switch
2 3 in the production or assembly of a new vehicle.
2 4 4. "Mercury-added switch" means a light switch
2 5 that contains mercury which was installed by a
2 6 manufacturer in a motor vehicle.
2 7 5. "Scrap recycling facility" means a fixed
2 8 location where machinery and equipment are utilized
2 9 for processing and manufacturing scrap metal into
2 10 prepared grades and whose principal product is scrap
2 11 iron, scrap steel, or nonferrous metallic scrap for
2 12 sale for remelting purposes.
2 13 6. "Vehicle recycler" means any person engaged in
2 14 the business of acquiring, dismantling, or destroying
2 15 six or more vehicles in a calendar year for the
2 16 primary purpose of resale of the vehicles' parts.
2 17 Sec. 4. NEW SECTION. 455B.803 PLANS FOR REMOVAL,
2 18 COLLECTION, AND RECOVERY OF VEHICLE MERCURY=ADDED
2 19 SWITCHES.
2 20 1. Within ninety days of the effective date of
2 21 this Act, each manufacturer of vehicles sold in this
2 22 state shall, individually or as part of a group,
2 23 develop and publish a plan for a system to remove,
2 24 collect, and recover mercury-added switches from end=

2 25 of=life vehicles that were manufactured by the
2 26 manufacturer. Publication shall be in accordance with
2 27 section 455B.807, subsection 2.
2 28 2. a. The manufacturer shall implement a system
2 29 to remove, collect, and recover mercury-added switches
2 30 from end-of-life vehicles within ninety days of
2 31 publication of the plan.
2 32 b. The system developed and implemented pursuant
2 33 to this section shall provide, at a minimum, all of
2 34 the following:
2 35 (1) Educational materials about the program to
2 36 inform the public and other stakeholders about the
2 37 purpose of the collection program and how to
2 38 participate in the program.
2 39 (2) A method for implementing, operating,
2 40 maintaining, and monitoring the system, in accordance
2 41 with subsection 3. This may include the use of third=
2 42 party contractors that are qualified and fully insured
2 43 to perform these tasks.
2 44 (3) Information about mercury-added switches
2 45 identifying all of the following:
2 46 (a) The make, model, and year of vehicles
2 47 potentially containing mercury-added switches.
2 48 (b) A description of the mercury-added switches.
2 49 (c) The location of the mercury-added switches.
2 50 (d) The safe, cost-effective, and environmentally
3 1 sound methods for the removal of the mercury-added
3 2 switches from end-of-life vehicles.
3 3 (4) A method to arrange and pay for the
3 4 transportation of the collected mercury-added switches
3 5 to permitted facilities.
3 6 (5) A method to arrange and pay for the recycling
3 7 of the mercury-added switches.
3 8 (6) A method to track participation and publish
3 9 the progress of the mercury-added switch collection in
3 10 accordance with section 455B.807, subsection 2.
3 11 (7) A database of participating vehicle recyclers,
3 12 including all of the following:
3 13 (a) Documentation that the vehicle recycler joined
3 14 the program.
3 15 (b) Records of all submissions by a vehicle
3 16 recycler of any information required pursuant to
3 17 subparagraph (6).
3 18 (c) Confirmation that the vehicle recycler has
3 19 submitted switches at least every twelve months since
3 20 joining the program.
3 21 (8) A target mercury-added switch capture rate for
3 22 vehicles manufactured by the manufacturer of ninety
3 23 percent. A description of additional or alternative
3 24 actions that shall be implemented by the manufacturer
3 25 to improve the system and its operation in the event
3 26 that the target capture rate is not met shall be
3 27 published with the required tracking information no
3 28 less than annually.
3 29 (9) The program shall not include inaccessible
3 30 mercury-added switches from end-of-life vehicles with
3 31 significant damage to the vehicle in the area
3 32 surrounding the mercury-added switch location. All
3 33 accessible mercury-added switches are expected to be
3 34 collected under the provisions of this division.
3 35 c. In developing a removal, collection, and
3 36 recovery system for end-of-life vehicles, a
3 37 manufacturer shall, to the extent practicable, utilize
3 38 the existing end-of-life vehicle recycling
3 39 infrastructure.
3 40 d. If the commission determines that the
3 41 manufacturer's plan for a system to remove, collect,
3 42 and recover mercury-added switches from end-of-life
3 43 vehicles does not comply with this section, the
3 44 commission may require the manufacturer to make any
3 45 necessary modification to the plan.
3 46 e. On July 1, 2020, the commission shall cease
3 47 enforcement of the removal, collection, and recovery
3 48 plans under this section. On or before July 1, 2020,
3 49 the commission shall review the mercury-added switch
3 50 removal, collection, and recovery portion of this
4 1 division and submit a recommendation to the general
4 2 assembly regarding the necessity of continuing the
4 3 enforcement of the removal, collection, and recovery
4 4 plans under this section.
4 5 3. The total cost of the removal, collection, and

4 6 recovery system for mercury-added switches shall be
4 7 paid by the manufacturer. Costs shall include but not
4 8 be limited to all of the following:

4 9 a. Labor to remove mercury-added switches. Labor
4 10 shall be reimbursed at a minimum rate of four dollars
4 11 per mercury-added switch removed, or if the vehicle
4 12 identification number of the source vehicle is
4 13 required for reimbursement, at a minimum rate of five
4 14 dollars.

4 15 b. Training.

4 16 c. Packaging in which to transport mercury-added
4 17 switches to recycling, storage, or disposal
4 18 facilities.

4 19 d. Shipping of mercury-added switches to
4 20 recycling, storage, or disposal facilities.

4 21 e. Recycling, storage, or disposal of the mercury=
4 22 added switches.

4 23 f. Public education materials and presentations.

4 24 g. Maintenance of all appropriate systems and
4 25 procedures to protect the environment from mercury
4 26 contamination from collected mercury-added switches.

4 27 4. A vehicle recycler that performs as required
4 28 under a removal, collection, and recovery plan shall
4 29 be afforded the protections provided in section
4 30 613.18.

4 31 Sec. 5. NEW SECTION. 455B.804 PROHIBITION AND
4 32 PROPER MANAGEMENT OF MERCURY-ADDED VEHICLE SWITCHES.

4 33 1. Prior to delivery to a scrap recycling
4 34 facility, a person who sells, gives, or otherwise
4 35 conveys ownership of an end-of-life vehicle to the
4 36 scrap recycling facility for recycling shall remove
4 37 all mercury-added switches from such end-of-life
4 38 vehicle unless the mercury-added switch is
4 39 inaccessible due to significant damage to the end-of=
4 40 life vehicle in the area where the mercury-added
4 41 switch is located.

4 42 2. A person shall not represent that mercury-added
4 43 switches have been removed from a vehicle or vehicle
4 44 hulk being sold, given, or otherwise conveyed for
4 45 recycling if that person has not removed such mercury=
4 46 added switches or arranged with another person to
4 47 remove such switches.

4 48 Sec. 6. NEW SECTION. 455B.805 GENERAL COMPLIANCE
4 49 WITH OTHER PROVISIONS.

4 50 Except as expressly provided in this division,
5 1 compliance with this division shall not exempt a
5 2 person from compliance with any other law.

5 3 Sec. 7. NEW SECTION. 455B.806 REGULATIONS.

5 4 The commission shall adopt rules pursuant to
5 5 chapter 17A as necessary to implement the provisions
5 6 of this division.

5 7 Sec. 8. NEW SECTION. 455B.807 PUBLIC
5 8 NOTIFICATION.

5 9 1. The department shall make available to the
5 10 general public in an electronic format the plan of a
5 11 manufacturer for a system to remove, collect, and
5 12 recover mercury-added switches from end-of-life
5 13 vehicles and any report required under section
5 14 455B.808.

5 15 2. Publication of all required plans, information,
5 16 reports, and educational materials under this division
5 17 shall be through no less than two types of media
5 18 available to the general public. One medium must be
5 19 available twenty-four hours per day, seven days per
5 20 week, and maintained with current information.
5 21 Acceptable types of media include but are not limited
5 22 to internet websites, periodicals, journals, and other
5 23 publicly available media in the state.

5 24 Sec. 9. NEW SECTION. 455B.808 REPORTING.

5 25 One year after the implementation of a removal,
5 26 collection, and recovery system, and annually
5 27 thereafter, a manufacturer subject to section 455B.803
5 28 shall report to the department concerning the
5 29 performance under the manufacturer's plan. The report
5 30 shall include statistical information received under
5 31 section 455B.803. The report shall also include but
5 32 not be limited to all of the following:

5 33 1. The number of mercury-added switches collected.

5 34 2. An estimate of the amount of mercury contained
5 35 in the collected switches.

5 36 3. The capture rate as defined in section

5 37 455B.802.
5 38 4. The estimated number of vehicles manufactured
5 39 by the manufacturer containing mercury-added switches.
5 40 5. The estimated number of vehicles manufactured
5 41 by the manufacturer that have been processed for
5 42 recycling by vehicle recyclers.
5 43 Sec. 10. NEW SECTION. 455B.809 STATE
5 44 PROCUREMENT.
5 45 Notwithstanding other policies and guidelines for
5 46 the procurement of vehicles, the state shall, within
5 47 one year of the effective date of this Act, revise its
5 48 policies, rules, and procedures to give priority and
5 49 preference to the purchase of vehicles free of
5 50 mercury-added components taking into consideration
6 1 competition, price, availability, and performance.
6 2 DIVISION II
6 3 SALVAGE VEHICLE TITLES>
6 4 #2. Title page, line 1, by inserting after the
6 5 word <Act> the following: <relating to end-of-life
6 6 and salvage vehicles by providing for the removal,
6 7 replacement, collection, and recovery of mercury-added
6 8 vehicle components and>.
6 9 #3. By renumbering as necessary.
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